Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioner herein equests a variance to permit a buildable lot with a width of 50 feet in lieu of the required 55 feet and to permit a side yard setback of 11 feet in lieu of the required 25 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as Lots 921
and 922 of Block 25, Plat of Lansdowne, consists of .2118 acres more or
less zoned D.R. 5.5 and is currently unimproved. The subject property is
located at the corner of First Avenue and Saratoga Avenue, a paper street.
Petitioner testified she has lived in the area for the past eight years
and that the subject property was deeded to her by her mother approximately three years ago. Petitioner now proposes constructing a single family
dwelling on the subject property, however, due to the width of the lots
and the fact that the property abuts a paper street, the proposed dwelling
will not meet setback requirements. Petitioner testified the proposed
dwelling has been designed to provide the most habitable space to accommodate Petitioner's needs as well as meet the requirements of the zoning
regulations to the extent possible. Testimony indicated the requested

variance if granted will not create any detriment to the health, safety or general welfare of the community.

all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the <u>Baltimore County Zoning Regulations</u> (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Ealtimore County this day of February, 1989 that the Petition for Zoning Variance to permit a buildable lot with a width of 50 feet in lieu of the required 55 feet, and to permit a side yard setback of 11 feet in lieu of the required 25 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

 Petitioner shall not request any future variances for the subject property.

ANN N. NASTARONICZ

AMN:bjs

Deputy Zoning Commissioner for Baltimore County

8 S AZIMUTH CONSULTANTS

ZONING DESCRIPTION

MARIA MARSZALEK PROPERTY

Beginning at the Northeast corner of the intersection of First Avenue (a 50 foot right-of-way) and Saratoga Avenue (a 50 foot right-of-way).

Being Lots 921 and 922, Block 25, in the Subdivision of Landsdowne, recorded in Plat Book W.P.C. 1 folio 49 in the 13th Election District of Baltimore County.

Containing 9,225 square feet or 0.2118 acres of land, more or less.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapea's Av-10750 Little Patuxent Plo Columbia, MD 21044 enue in Towson, Maryland 21204 Petition for Zoning Variance Case number: 89-319-A NEC First and Saratoga Avenues Lots 921, 922 (400 block 1st nues Lots 921, 922 (400 block 1st 1st Councilmanic Petitioner(s): Maria Marszalek Hearing Date: Friday, Feb. 10, 1989 at 2:00 p.m. Hearing Date: Finday, Feb. 10, 1989 at 2:00 p.m. THIS IS TO CERTIFY, that the annexed advertisement of Variance: to allow a buildable lot with a lot width of 50 ft. and to allow a side ward (corner lot) Variance: to allow a buildable for with a lot width of 50 ft. and k puired 55 ft. and 25 ft. respe In the event that this Petition was inserted in the following: X JEFFERSONIAN granted, a building permit may be issued within the thirty (30) day appeal period. The Zorung Com-Catonsville Times ☐ Booster Weekly missioner will, however, entertain any request for a stay of the is-Arbutus Times Owings Mills Flier ☐ Towson Flier ☐ Reporter Weekly period for good cause shown and received in this office by the weekly newspapers published in Baltimore County, Maryland date of the hearing set above or presented at the hearing.

Once a week for...... _successive weeks before I ROBERT HAINES the _____ day of ______ 19____, that is to Zoning Commissioner of Say, the same was inserted in the issues of

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Towson, Maryland	89-319-1
District 3 th Posted for: Variance	Date of Posting 1-21-89
Petitioner: Maria Maryales	
Location of property: NE Corner First and	daratoga avenus
Location of property: NE Corner First and Lota 921 922 (400 Block	Ferot avenue)
Location of Signs: 112 Corner of First X	
,	0
Remarks:	
Posted by I L. Grata Da	ute of return: / - 27-8-9
Signature	We the the the transfer of the
Number of Signs:	

Zoni Ολίο	imore County ng Commissioner e of Planning & Zoning son, Maryland 21204			
494-			Date: 1/30/89	
	r Commissioner		Date:	
	Maria Marszalek			
发 学	First Avenue imore, Maryland 21227			and a second
Res	Petition for Zoning \	/ariance		Dennis F. Rasm County Ex
ne.	CASE NUMBER: 89-319-A	A		
	Lots 921, 922 (400 b)			
	Petitioner(s): Maria		889 at 2:00 p⋅m⋅	
Dear	Mr. Marszalek:	\$82.35		
the Do t	above-referenced proport remove the sign a	is due perty. All fees mand post set(s) fr	for advertising and pos ust be paid prior to th om the property from th of the hearing itself	he nearing. he time
	THIS FEE MUST BE PON THE DAY OF T	AID AND THE ZONING HE HEARING OR THE	G SIGN(S) AND POST(S) F ORDER SHALL NOT BE ISS	RETURNED SUED.
Plea it a	ase make your check palong with the sign(s	payable to Baltimos) and post(s) to	re County, Maryland an the Zonine Office, Cou) minutes	nty office
OFFICE OF FI	COUNTY, MARYLAND NANCE - REVENUE DIVISION	No.	055887	t(s), there
MISCELLANE	OUS CASH RECEIPT	R-01-61	e each se	
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	AMOUN	<u>, 823</u>		
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FOR:	8 [] - * * * * * * * * * * * * * * * * * *	···	9-1	
DISTRIBUTION WHITE CASHER FOR	VALIDATION OR SIGI	NATURE OF CASH ER		

PETITION FOR ZONING VALANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To allow a buildable lot with a lot width of 50 feet and to allow a side yard (corner lot) setback of 11 feet in lieu of the required 55 feet and 25 feet respectively. of the Zoning Regulation; of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) A FIFTY FOOT LOT WIDTH IS THE MAXIMUM WINTH THAT COLLD BS SULD BECAUSE OF THE CHAMG HOUSE OF THE WHOLE PREFERTY. THE SETBACK TO THE UNIMPRISO RIGHT-OF-WAT IS NECESSARY TO ALLOW FOR A REASONABLE SIZED HOUSE Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser (Type or Print Name) Maria Margalek (Type or Print Name) City and State Signature Attorney for Petitioner: (Type or Print Name) Baltimore MD 21227 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Attorney's Telephone No.:

Zoning Commissioner of Baltimore County.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

January 12, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance

CASE NUMBER: 89-319-A

NEC First and Saratoga Avenues

Lots 921, 922 (400 block 1st Ave.)

13th Election District - 1st Councilmanic

Petitioner(s): Maria Marszalek

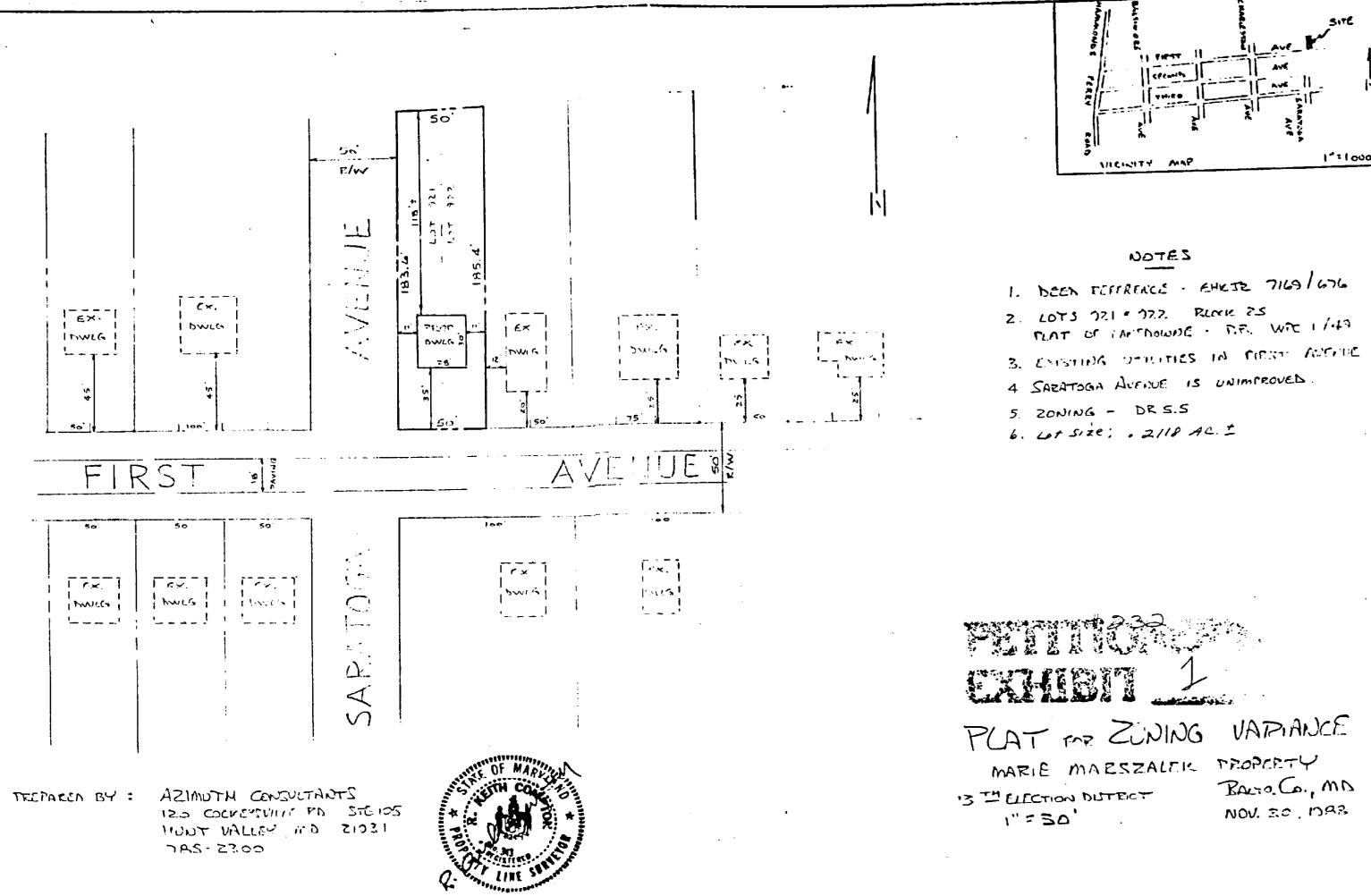
HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 2:00 p.m.

Variance to allow a buildable lot with a lot width of 50 ft. and to allow a side yard (corner lot) setback of 11 ft. in lieu of the required 55 ft. and 25 ft. respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Maria Marszalek
File

120 Cockeysy!lle Road / Suite 105 / Hunt Valley, Maryland 21031 / (301) 785-2300



89-319-A BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 14th day of December , 19 88 Received by: James E. Dyer Chairman, Zoning Plans Petitioner <u>Maria Marezalek</u> Petitioner's Advisory Committee Attorney

Baltimore County Fire Department Towson, Maryland 21204-25-6 494-4500

Paul H. Reincke

December 29, 1988

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Cwner: Maria Marszalek

Location: NE/c First and Saratoga Avenues Lot No. 921 & 922 Dennis F. Rasmussen 400 Block of First Avenue Item No.: 232 Zoning Agenda: Meeting of 12/13/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at
- EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the
- Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

RE: Item No. 232, Case No. 89-319-A

Petitioner: Maria Marszalek

Petition for Zoning Variance

made aware of plans or problems with regard to the development

plans that may have a bearing on this case. Director of

Planning may file a written report with the Zoning Commissioner

with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the

Committee at this time that offer or request information on

your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing

file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled

Very truly yours,

HAMES E. DYER

James & Dyer/de

Zoning Plans Advisory Committee

January 31, 1989

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Ms. Maria Marszalek

408 First Avenue Baltimore, MD 21227

accordingly.

JED:jw

Enclosures

Butrau of Dear Ms. Marszalek: Department of The Zoning Plans Advisory Committee has reviewed the plans Traffic Engineering submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are

State Toads Commission Bureau of Health Department Project Planning Building Department Board of Education Zoning Administration Industrial Development

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

February 27, 1989



Hs. Maria Marszalek 408 First Avenue Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE NE/Corner First and Saratoga Avenues (Lots 921 and 922, 400 Block First Avenue) 13th Election District - 1st Councilmanic District Maria Marszalek - Petitioner Case No. 89-319-A

Dear Ms. Marszalek:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

Q MNesturia ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

cc: People's Counsel

File

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

January 17, 1989



Dennis F. Rasmussen

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 35, 200, 215, 232 233, 234, and 235.

Traffic Engineer Associate I

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO___Zoning Commissioner Pat Keller, Deputy Director FROM Office of Planning and Zoning

Date February 2, 1989

Maria Marszalek SUBJECT Zoning Petition No. 89-319-A

The petitioner is requesting consideration to establish a lot size of 50 feet. In cases such as these, staff's primary concerns are:

- What is the impact on adjoining property?;
 Are adequate setbacks being provided?; and
- 3. Will the reduced lot size result in requests for additional
- variances? If the petition is granted, staff recommends the following conditions:
- All building setback lines shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a
- statement shall be included stating that all development shall conform to the setbacks as shown and additional variances shall not be granted.
- · All applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," as provided by the applicant.

PK/sf

